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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 MICHAEL A. BURNHART,

12 Petitioner,

13 v.

14 CHIEF WRZENSKI,

15 Respondent.

16 Case No. C07-5326RBL-KLS

17 **ORDER GRANTING**
18 **PETITIONER'S REQUEST FOR**
19 **EXTENSION OF TIME**

20 This matter is before the Court on petitioner's response (Dkt. #10) to the Court's order to show
21 cause (Dkt. #9) concerning his petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 (Dkt. #6).
22 The Court, having reviewed petitioner's response and the balance of the record, hereby finds and orders
23 as follows:

24 In its order to show cause, the Court found petitioner's petition contained one or more
25 unexhausted grounds for federal *habeas corpus* relief. The Court ordered petitioner to file by no later
26 than September 30, 2007, an amended petition presenting only those claims that have been fully
27 exhausted, or a response informing the Court that he intends to return to state court to exhaust the
remaining unexhausted claims, or show cause why his petition should not be dismissed for failure to
exhaust.

28 On September 11, 2007, petitioner filed a response to the Court's order to show cause, attempting

1 to explain the issues surrounding his unexhausted claims, and requesting that he be given an extension of
2 time until December 20, 2007, to file an amended petition should the Court still desire that he file one.
3 The Court finds petitioner's explanation insufficient. As stated in the order to show cause, petitioner was
4 required to file an amended complaint, inform the Court that he intended to return to state court to exhaust
5 the remaining unexhausted claims, or show cause why this matter should not be dismissed for failure to
6 exhaust. He failed to do so.

7 The Court, however, hereby grants petitioner's request for an extension of time to respond to the
8 order to show cause in the manner set forth therein. Accordingly, petitioner shall have until **no later than**
9 **December 20, 2007**, in which to do so. Petitioner is warned though that no further requests for extension
10 of time to so respond hereinafter shall be granted without a showing of good cause.

11 The Clerk shall send a copy of this order to petitioner and counsel for respondent, if any.

12 DATED this 1st day of November, 2007.



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15 Karen L. Strombom
16 United States Magistrate Judge
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